

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
May 4, 2009**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on May 4, 2009, at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve the May 4, 2009 agenda as submitted.

ROLL CALL: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

Mr. Mike Baker, *Slice of Shoreview* Committee, reported that the budget for the *Slice* has been reduced by \$10,000 because of the economy. Half of the money needed has been raised. A campaign has been started to solicit contributions from businesses. Flyers are being sent out. Postcards are being mailed to Shoreview businesses and committee members will each call 10 of the businesses seeking donations for the *Slice*. Highlights of the *Slice* this year will be Rubber Soul on Friday night and also Mike Lynch and stargazing. Saturday night will be the Rockin' Hollywoods and fireworks. Scandia Shores will have the church service. Sunday afternoon there will be a backyard band with Dan Perry and Friends. Many groups and people have signed up for the parade. The pancake breakfast will be both days. There will be a golf tournament. The dates are July 24-26, 2009. A Grand Marshal is needed. He asked the Council to suggest a business that has been very supportive of the City who needs to be recognized.

COUNCIL COMMENTS

Mayor Martin:

The indoor playground installation is moving ahead and will open Thursday, May 14, 2009.

The Farmer's Market opens June 2, 2009.

The summer Wednesday night concert series begins on June 10, 2009

Shoreview had its best ever compliance record in prevention of selling tobacco to minors--95%. Mayor Martin expressed her appreciation and pride for Shoreview businesses and their work with the City to prevent youth access to tobacco products.

Councilmember Huffman:

Wednesday, May 6, 2009, Northwest Youth and Family Services will hold its leadership luncheon. There is more information on the website at www.nyfs.org.

Councilmember Withhart:

On Friday, May 8, 2009, there will be a Business Exchange in the Fireside Room at the Community Center. This is a great opportunity for Shoreview business owners to get together with the Council.

Councilmember Wickstrom:

Shoreview Green Communities will meet Wednesday, May 6, 2009, at 7:00 p.m. at the Community Center. The Buckthorn Bust will take place the morning of Saturday, May 23, 2009. Meet at the pavilion.

Councilmember Quigley:

Noted the government communications award to staff for the production of *Shoreview Today*. Mr. Schwerm stated that the award was presented by the Government Communicators Association. There were approximately 160 applications with 80 awards.

Mayor Martin commended Tessa Melvin who produces the show and Jamie Schreiber who assists her.

CONSENT AGENDA

Councilmember Huffman requested that item No. 2, City Council Meeting Minutes, be voted on separately, as he did not attend that Council meeting.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley, to adopt the consent agenda of May 4, 2009 approving the necessary motions and resolutions with the exception of No. 2, City Council April 20, 2009 meeting minutes:

1. April 13, 2009 City Council Workshop Meeting Minutes
3. Receipt of Committee/Commission Minutes -
Planning Commission March 24, 2009
4. Verified Claims in the Amount of \$989,683.43
5. Purchases
6. License Applications

ROLL CALL: Ayes - 5 Nays - 0

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to approve the April 20, 2009 City Council meeting minutes.

ROLL CALL: Ayes - 3 Nays - 0 Abstain - 2 (Huffman, Quigley)

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE TAKING OF BIDS - SNAIL LAKE AUGMENTATION SCREENING FACILITY, CP 09-04

Presentation by Public Works Director Mark Maloney

The City has not been allowed to pump water into Snail Lake since the fall of 2007 because of zebra mussels that have infested Sucker Lake. Since 1994, water has been pumped from Sucker Lake to Snail Lake to stabilize the Snail Lake water level. The permit was suspended by the DNR in 2007 because of the zebra mussels. In July 2008, the Snail Lake Improvement District (SLID) Board authorized a feasibility study for screening equipment to continue augmentation. A public meeting was held September 4, 2008, and the Board passed a motion to send a recommendation to the City Council to proceed with the screening project. In January 2009, the City Council authorized a design services agreement for the preferred alternative described in the feasibility study. The project consists of installing a screening facility located within the outlook area of Vadnais/Snail Lake Regional Park on the east side of the intersection of Rice Street and Snail Lake Boulevard. The land is owned by the St. Paul Regional Water Utility. The design for the screening facility meets DNR standards, and the project is in accordance with requirements of the St. Paul Regional Water Utility and the City of Vadnais Heights.

The project consists of an underground concrete pit with automatic self-cleaning filter equipment designed to remove zebra mussels. Grating will be placed over the equipment for protection and

easy access. A shelter will be constructed over the equipment. The equipment will tie into the north main that ties Sucker Lake to Snail Lake.

The total project cost is estimated at \$500,000. Funding is shared with Shoreview paying 40.8%; Ramsey County paying 13.8%; and SLID property units paying 45.4%. The City portion will come from the Surface Water Fund. The City will finance the SLID property owners' share and spread billing of the project costs quarterly over 10 years. The annual payment per resident is estimated at \$422. If approved, the bid date will be June 4, 2009, and the Council can award the contract June 15, 2009. Construction would start mid-July and be completed by September or October in time to augment Snail Lake in the fall.

Mayor Martin noted that the Sucker Lake level is low and asked if after building the facility the City will be allowed to pump water. Mr. Maloney stated that Sucker Lake exists because water is pumped to it from the Mississippi River. Sucker Lake is artificially high compared to other lakes as a result of this pumping. The City would have been able to augment this spring except for the zebra mussels.

Councilmember Wickstrom asked if some cost could be reduced by choosing an exterior for the shelter that does not include rock and brick. Mr. Maloney stated that the shelter's only function is to be a canopy over the pit area. Access will be restricted. That portion of the cost is estimated between \$6,000 and \$8,000. It is not a significant part of the project. Everything will be done to minimize material costs.

Councilmember Withhart explained that Snail Lake has been augmented since 1920. Prior to that time, the seal in the bottom of the lake was broken from dredging. The underlying soils are very sandy and the water leaks out. Until the late 1980's, it was augmented by several wells. Then the DNR ruled that wells could no longer be used to augment lakes. The City then worked with the water district to implement an augmentation schedule from Sucker Lake. The difference in Snail Lake from other lakes is that other lake levels go up and down. Snail Lake would turn into a swamp if the level was not augmented. He asked how long it would take to bring the lake level up if the pump is turned on this fall.

Mr. Maloney stated that with this new facility the rate of water being pumped would be slower. It will be difficult to reach the desired level with pumping this fall, but it will be close.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Resolution No. 09-28 approving plans and specifications for the Snail Lake Augmentation Screening Facility, City Project 09-04; and ordering the taking of bids on Thursday, June 4, 2009, at 10:00 a.m. at the Shoreview City Hall.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin
Nays: None

TEXT AMENDMENT - ARCHITECTURAL DESIGN STANDARD**Presentation by City Planner Kathleen Nordine**

The proposed text amendment will implement the policy goal stated in the Comprehensive Plan to set architectural and site design standards for non-residential development. With increased infill redevelopment, it is important for the site design to be well integrated into the surrounding area. The amendment includes encouragement to landscape with rain gardens or other methods of storm water infiltration. Use of native plants is encouraged. Parking lot landscaping requirements have been modified. The current standard requires 20% of the parking lot area to be landscaped. When certain factors are incorporated into the development—such as a sustainable design, shared parking, storm water infiltration or enhanced landscaping—the proposed regulation could allow a reduction to 10%. The use of pervious pavement is encouraged when soil conditions allow.

The proposed amendment is consistent with the Comprehensive Plan and the Surface Water Management Plan and the Development Code. The established criteria will require use of appropriate architectural materials. A non-residential property in a residential area should be developed with residential scale buildings that are residential in appearance.

The Environmental Quality Committee (EQC) reviewed the amendment at their March 23, 2009 meeting. They approved the amendment except for the desire to have lower minimum parking requirements and requested that the ordinance address wind turbines. Staff believes that the parking standards provide flexibility for the developer who can show proof of parking for parking spaces to be available if needed. A separate ordinance will be developed for wind turbines.

The Planning Commission held a public hearing. There were no public comments. The Commission also discussed parking requirements, and the amendment was changed to retain the existing parking ratio, but developers are encouraged to only install necessary parking and show proof of additional parking if needed. The Commission voted 7 to 0 to recommend adoption of the amendment.

Councilmember Withhart expressed concern with the reduced required landscaped islands in parking lots. He asked if the reduction is offset by additional green space in another area of the site. Ms. Nordine answered that additional green space would not be necessary. There is a maximum impervious surface coverage permitted which is typically 80% in commercial and industrial zoning districts. In surveying other communities, staff found that required parking lot green space ranged from 3% to 10%. Mr. Schwerm added that the survey of other communities shows Shoreview's standards are extraordinarily high. The proposed amendment does not mean that enhanced landscaping cannot be required.

Councilmember Huffman stated that he would like to hold this matter over in order to give the Economic Development Commission an opportunity to review it.

Planning Commissioner Mons stated that a number of Commissioners had the same reservations being expressed by the Council. One of the positive changes in the ordinance is the similarity to a PUD in that based on the number of practices used for traffic management—carpooling, biking—parking can be reduced below 20% accordingly. If the developer wants less than 20%, there will be benefits to the City which could include landscaping. Staff also provided the ratio of trees per parking lot, which made Commissioners more comfortable with the reduction. The standard of no less than 10% is more than and sometimes three times more than other communities.

Councilmember Quigley stated that most redevelopment will be retrofitted and these new standards will facilitate that.

Councilmember Withhart noted that tradeoffs with active transportation options does not stay with the property if ownership changes. A new owner could drop transportation programs with enhanced landscaping not done either.

Mayor Martin stated that she does not want the standards in Shoreview to be onerous and difficult for businesses. She is in favor of not overbuilding parking but asking for proof of parking space for the ability to expand parking if needed. She agreed with Councilmember Huffman to hold the matter over for EDC review.

Councilmember Wickstrom noted that encouraging pervious surface pavement requires special equipment to keep it clean. She asked if the City is going to clean these areas. She also agreed that if the City is going to allow flexibility in return for using sustainable methods, those methods should be requirements that stay with the property whoever owns it.

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to table action on Ordinance No. 850, revising Chapter 200 of the Municipal Code, including Section 205, Development Districts and Section 206, Other Development Standards, until the Economic Development Commission has had an opportunity to review the proposed changes.

ROLL CALL: Ayes: Quigley, Wickstrom, Withhart, Huffman, Martin
Nays: None

TEXT AMENDMENT - NUISANCE ABATEMENTS

Presentation by City Planner Kathleen Nordine

Section 210 defines public nuisances and establishes procedures for prevention or abatement. The amendment proposed would expedite the abatement process for public health and safety nuisances. The proposed amendment complies with the League of Minnesota Cities model ordinances. The revisions expand the list of nuisances and abatement can be used for a greater number of nuisances. The current abatement process consists of a notice to property owners with a time period not to exceed 30 days for compliance. After that time, a public hearing is held by the City Council and abatement can be ordered if the nuisance still exists.

For nuisances that are a serious danger to the health and welfare of the public, a reasonable attempt is required to send a notice to the property owner. If the nuisance persists, an emergency abatement can be ordered within a five-day period. An emergency abatement ordered by the Council is effective for a two-year period.

The Planning Commission reviewed the amendment at its April 28, 2009 meeting and held a public hearing. The amendment was recommended for approval by the Council on a 7 to 0 vote.

Councilmember Huffman referred to page 1 of the ordinance noting that words like “annoys” and “depreciates” need more definition. City Attorney Filla responded that the ordinance reflects state law on public nuisances. He agreed that interpretation is subjective, but it complies with state law. By adopting Section 210.010(B), the Council is saying that those 19 items are determined to be public nuisances that affect the health and safety of the public, and the Council can impose special assessments to cover the cost of immediate abatement.

Councilmember Huffman asked if Section 210.010(A) is referring to Section 210.010(B). City Attorney Filla explained that everything in 210.010(B) has to be included in 210.010(A). It has to be a considerable nuisance to be considered a public nuisance. The listed items are considered emergency nuisances that can trigger immediate abatement because they are an immediate threat to human life. General nuisances have a longer review process. Mr. Schwerm noted that in the past, staff had to go to court to clean up these properties.

Ms. Nordine stated that with foreclosure situations, this is another tool for the City to use for properties that have been abandoned and trashed. Realtors and mortgage companies sometimes do not respond to notices from the City. This ordinance allows the City immediate abatement in certain situations.

Mayor Martin stated that she often hears from residents asking why the City cannot be more effective with code enforcement and dealing with neighborhood concerns. This is the tool to deal with those issues.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Ordinance 849 amending Section 210, Nuisance, broadening the definition of health and safety nuisances, and establishing an expedited abatement process.

The recommendation is based on the following findings:

The City’s 2008 Comprehensive Plan includes policies and recommended actions regarding neighborhood preservation.

The Development Code is the appropriate tool for implementing the policies of the Comprehensive Plan.

ROLL CALL: Ayes: Wickstrom, Withhart, Huffman, Quigley, Martin
Nays: None

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to adjourn the meeting at 8:12 p.m.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 18th DAY OF MAY 2009.

Terry C. Schwerm
City Manager